

with model pictures portraying Canada as a predominantly Oriental or black country. The egalitarian thrust of multiculturalism in the media and education "preaches not that all people deserve equality of opportunity but that all people are equal in achievement. It is one of the most spiritually debilitating diseases of our time."

Elsewhere she discusses a report issued on the subject of human rights of South Asians in Canada. "The Toronto media were salivating over it." Among its pronouncements: "Racial prejudice as it exists in the world today is almost exclusively an attitude of whites . . . to justify the robbery, enslavement and continued exploitation of their coloured victims all over the globe." "Toronto," Miss Amiel comments, "seemed still to be smarting from a case of New York envy. New York had Real Urban Problems, and one of them was racial tension."

Once at a party, a theatre director described all libertarians as fascists. Miss Amiel replied that she was sympathetic to some libertarian positions. "Well, that makes you a fascist bitch." With typical good humor, she chose *Fascist Bitch* as the original title of her book. She was troubled only that in Left-wing lingo, "Orwell's 'Slavery is Freedom' has all but arrived."

Robert J. Blake

## Our Betters

WALTER LIPPMANN AND THE AMERICAN CENTURY. *By Ronald Steel.* (Little Brown & Co., Boston, 1980).

THE COURT YEARS 1939-1975: THE AUTOBIOGRAPHY OF WILLIAM O. DOUGLAS. *By William O. Douglas.* (Random House, New York, 1980).

Walter Lippmann and William O. Douglas were Americans of roughly the same generation who achieved power, prestige, and fame early in life and possessed them through old age. Lippmann, the foremost journalist of the twentieth century, exercised considerable influence upon this country's foreign and domestic policy from the time of Woodrow Wilson's presidency to the end of the Johnson administration. Douglas served on the Supreme Court longer than any other man and did so during the period when the judiciary expanded its reach far beyond that ever previously conceived.

Ronald Steel's biography is a superbly written, honest, and sensitive portrait of an intellectual who immersed himself in high politics all his adult life. Mr. Steel traces Lippmann's changing philosophy and beliefs from his days as a Harvard undergraduate to his decline into pathetic frailty, revealing frequent about-faces on questions of policy as well as such consistent attitudes and patterns of thought as the journalist maintained during his career. Mr. Steel is scrupulously fair in pointing out Lippmann's weaknesses and frequent errors in judgment. If the book has any flaw, it is the author's occasional incongruous articulation of his own political prejudices. These eruptions of naive re-

visionism are irritating and out of place given the nature of this work. There is, however, no need to tarry very long over those outbursts; they are offered as *ex cathedra* pronouncements without justification, argument, or substantiation.

While at Harvard, Lippmann began to hone the ability to ingratiate himself with the powerful and to develop personal contacts in journalism, politics, and the law which were to grant him access early in life to the stage upon which he could display his considerable gifts. At college, he took weekly tea with William James; studied under Irving Babbitt; became a disciple of Santayana and a friend of Lincoln Steffens. Extreme flattery and sycophancy won the sympathetic regard of these and many other luminaries.

After graduation from Harvard Lippmann entered journalism and ended up on the *New Republic's* staff. Worshipful encomiums won him the friendship of Theodore Roosevelt, against whom he later turned without guilt or hesitation, and Woodrow Wilson, also subsequently repudiated. He became one of the foremost advocates of American entry in World War I, basing his arguments upon Wilsonian idealism and predictions that the war would lead to universal democracy. His advocacy of the war implied no obligation that he, a healthy young man in his twenties, should actually fight on the battlefield; his political commentary and advice to the powerful presumably being far more important to the war effort. He helped draft Wilson's Fourteen Points, but finally became disillusioned with such lofty aspirations, and with Wilson.

Lippmann eventually left the *New Republic* to become a newspaper columnist, and it was in that role that he achieved his great fame and influence. There is no obvious explanation for this phenomenon. Lippmann was not consistent in his political beliefs, nor consistently wise in the policies he recommended, nor consistently correct in his predictions of the course national and world events were to take. His writings were frequently characterized by ludicrous pomposity, unremitting earnestness, and overblown rhetoric. His pattern was familiar—early infatuation with some political principle or new political leader, followed inevitably by disillusionment and columns deprecating his former enthusiasm.

Lippman was contemptuous of the public and distrustful of democracy. In this he showed no trace of hypocrisy; he always believed himself superior to the common man, said so, and acted accordingly. After World War II he opposed the "containment" policy advocated by George Kennan and adopted by successive administrations. His great crusade as a writer was against the war in Vietnam.

Lyndon Johnson, with whom Lippmann had once maintained a relationship of fawning mutual flattery, ignored Lippmann's criticism, which made LBJ a target of searing attacks in Lippmann's columns. LBJ was "pathetically secretive" and suffering from a "messianic megalomania"; Johnson's America was a "bastard empire." The President responded in kind to this "political commentator of yesteryear" and administration officials ceased toadying to their critic. Such harsh treatment came as a rude shock to Lippmann, heretofore treated like

some Arab potentate or high dignitary of the Church. His discomfort helped push him into semi-retirement in 1967 at the age of seventy-seven.

Lippmann was cold and aloof, apparently unhappy in his personal life. He was devoted to his second wife, who, in order to marry the columnist, left her husband, formerly the only close friend of his life. Lippmann's old age was a shipwreck; he became frail, befuddled, and an unbearable burden to his wife, who placed him in a nursing home and departed for Europe and other parts far removed from her husband. For so haughty a man to endure such helplessness and abandonment was a most cruel fate.

Yet, for all his mistakes and high self-regard, there was about Lippmann something great. He undoubtedly possessed a certain grandeur in his bearing, thought, and style. His writing was almost always rich and interesting; he addressed only great issues; pettiness was foreign to him. He used his powerful intellect to try to work out the course which would be best for the nation and world, advocated his beliefs with force and eloquence, and was usually sincere in what he wrote. Perhaps more cannot reasonably be asked from a political commentator.

If Mr. Steel's biography displays with great artfulness the personality, achievements, and abilities of its protagonist, William O. Douglas' autobiography, *The Court Years*, reveals all too well its author's character. The book consists of the Justice's description of various events which transpired and individuals encountered during his nearly forty years on the Supreme Court, and brief comments respecting various cases which the author viewed to be most important.

The most significant feature of the book (insofar as it might reflect upon the substance of Douglas' career — his role on the court) is its extremely abbreviated explanations of the cases which came before him. Beyond these synopses he offers few substantial clues to understand his behavior on the Court; he never articulates a coherent philosophy upon which his decisions were based.

The Justice's approach is encapsulated in an aside which he alleges Chief Justice Charles Evans Hughes made to him shortly after he (Douglas) joined the Court: "At the constitutional level where we work, ninety percent of any decision is emotional. The rational part of us supplies the reasons for supporting our predilections." Douglas claims that this comment struck him like a thunderbolt; the admission that "the 'gut' reaction of a judge at the level of constitutional adjudications" was determinative destroyed his "reverence for immutable principles." The claim that an aside from even so majestic a figure as Chief Justice Hughes could have so radical an effect on a man of Douglas' temperament provokes amazement; there is, however, no doubt that Douglas' behavior on the court was not determined by judicial precedent, the words of the Constitution, or the intentions of the Founding Fathers. It is curious that so fervent a self-proclaimed defender of freedom as Douglas could see no danger in this *ad hoc* approach to judicial decision-making. If a judge need only follow his "gut" and freely distort the Constitution and precedents in order to ac-

commodate his prejudices, there are no limits upon the Court's tyrannical power. What is to prevent some future majority on the Supreme Court from indulging the "gut" feeling that certain minorities should be liquidated or liberties eliminated, if those in control of the other two branches should share those ends? Even if events never reach such a pass, no citizen appearing before a court which makes its decisions upon "gut feel" can believe himself safe. A perception of "fairness," that decisions will be based upon principles and rules known and commonly understood in advance, is necessary if the moral authority of the judiciary is to be maintained. The "gut feel" theory of decision-making contains the seeds of the destruction of the current system of law by creating cynicism and eventual refusal to accept the Court's decisions.

The stance of the Justice on the appropriate model of adjudication appears especially perplexing when compared to his contradictory position on freedom of speech. The right of free speech, he maintained, was virtually absolute; while it was acceptable to prohibit the yelling of "fire" in a crowded theatre, limits on less clearly dangerous speech are prohibited by the First Amendment. There was no room for balancing the need for free speech against other values: "[A]ll of the 'balancing' had been done by those who wrote the Constitution and the Bill of Rights." The Justice, forgetting the "gut reaction" theory of constitutional adjudication advocated in an earlier chapter, condemns any effort by the Court to determine the reasonableness of laws limiting free speech: "In that event they would in a sense sit as a superlegislature. Certainly, their views on reasonableness would vary quite widely. We would then have a regime of constitutional law that turned on the subjective attitudes of the Justices rather than on the Constitution. That regime would give the Court vastly more power than it would have if the Constitution were taken more literally."

The *Autobiography* is interesting reading, not because it offers any insights into the flow of political events during Douglas' years on the Court, or into the personalities of the important people with whom he came into contact — there are no such insights here — but because of its revelation of the author's character. The Justice viewed himself as resembling "The Douglas in his hall" of Sir Walter Scott's poetical invention; as "fiery and courageous," daring to challenge "the Establishment," an entity which arises frequently in this book as a target of bold defiance and scorn. If these virtues are displayed in practice by name-calling, intemperate attacks upon those disliked or disagreeing, unabashed self-promotion, and contrived justifications of one's own questionable behavior, Douglas in this book certainly proves himself their possessor in abundance.

Innumerable individuals are subjected in the *Autobiography* to frenzied attack. Felix Frankfurter, Douglas' rival on the Court, is a favorite target. Professing respect and affection for his colleague, Douglas relates a host of derogatory anecdotes about his colleague, the supposed originator of the "Harvard cabal." Of course, few, if any, of these alleged incidents are independently verifiable.

Countless others are objects of crude abuse. Harry Truman helped

set loose a "regime of terror"; Lewis Strauss and Warren Burger were "hatchet men"; Justice Michael Musmanno was "notorious"; John Kennedy's presumptuous refusal to appoint J. Skelly Wright to the Supreme Court constituted solidarity with the racists; Richard Nixon was a "hound dog," a "king" who "plundered" the nation, anti-semitic, and (like LBJ), likened to Adolf Hitler. Embarrassing personal disclosures are made about colleagues like Justice Charles Whittaker and Erwin Griswold and "friends" whom the good justice "loved," such as Lyndon Johnson and even Rose Kennedy. Those who disagreed with Douglas are fortunate if dismissed as "reactionaries," "ignorant," or "crackers."

Douglas had great contempt for his country and its values. The Americans are hysterical, sadistic, uncivilized, feeling a perverse thrill at the administration of capital punishment. They harbor sinister "dark suspicions," are unsophisticated and childish. The United States is a modern Ghenghis Kahn, the world's most suspect and hated nation. "Main Street" constitutes an alarming threat to liberty.

This severe moralist on certain principles was perhaps not always the most scrupulous practitioner of the virtues he demands in others. If Douglas' support for "the Establishment's" creation of concentration camps during World War II for Americans of Japanese descent seems illiberal today, we could not be more forgiving than to follow the generous stance of the Justice himself, who magnanimously concedes that he had been mistaken. Nor should Douglas' behavior toward those closest to him be examined too closely, even though documented in embarrassing profusion in recent works by writers of less charity than the author of this *Autobiography*—such as in James F. Simon's *Independent Journey: The Life of William O. Douglas*.

Douglas' acceptance of a generous salary from a foundation established by a gambler—a man alleged to have an indirect interest in cases which came before the Court—is dismissed as a mere bagatelle. After all, Chief Justice Burger, not considered by Douglas to be a figure worthy of emulation in other contexts, served as a trustee of the Mayo Foundation prior to his elevation to the Court.

Anecdotes which Douglas apparently believed to be self-revelatory are characterized by absurd posturing and obvious insincerity. Finding solace in the wilds from the malicious disloyalty of friends who shunned him for unpopular (but courageous) opinions, Douglas spent his time in the forest "looking for persimmon trees and their sweet fruit or conversing with an old barnyard owl on a crisp morning." He "communicated" with a beloved friend not through such commonplace media as letters or conversation, but through the "wondrous" coyote and bald eagle.

Douglas proves in this book that he was wholly unsuited by temperament for service on the judiciary; an intolerant zealot who, if not granted a lifetime sinecure on the Court, would almost certainly have found obscurity as a cranky law professor, perhaps contributing occasional letters to the *New York Review of Books* denouncing policies of the latest President or some benighted Latin dictator. Unfortunately, his appointment to the Supreme Court permitted him a wider forum in

which to exercise his prejudices and to display unattractive personal characteristics in print and in practice.

*W. Scott Burke*

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## Short Shrift

Henri Lepage

*Demain Le Libéralisme.* (Collection *Pluriel*, Le Livre de Poche) 1980.

Henri Lepage, like Volkswagen, has done it again. After the success of his first book *Demain le capitalisme*—which has sold an incredible 25,000 copies in France and has been translated into six languages, including English—he has published this second account of his intellectual trip in the wonderful world of contemporary economics. M. Lepage is obviously, and understandably, fascinated by what Gordon Tullock calls “economic imperialism,” the application of economic tools to the analysis of problems that traditionally were not considered to belong to the domain of economics. Thus, for example, he cites the economics of marriage, fertility, domestic production, regulation, altruism, crime, law, social institutions, and the political market as evidence of the versatility of the most advanced of the social sciences. The distinguishing trait of this remarkably pleasant book is its capacity not only to allow the layman to be informed of the astonishing new developments of the economic science, but also to see the coherent ideological message that unifies a wide variety of often highly technical studies. This makes the book quite unique because, unlike many of the authors quoted, M. Lepage does not feel that making the ideological meaning of a piece of research evident necessarily diminishes its scientific value. On the contrary, in a typically French or Continental European way, he reminds us that that is what really matters for most of us. The result is that the contributions of a wide variety of economists of different schools are placed together within the framework of a larger ideological picture, which can only be entitled the Economics of Liberty. This explains M. Lepage’s evident admiration for F. A. Hayek, the economist who more than anybody else has seen the ultimate meaning of the “dismal science” in its politico-philosophical message rather than in its versatile predictive apparatus.

The book is unlikely to thrill the professional economist, who is likely to be familiar with its content and suspicious of the way highly complex problems are simplified for the benefit of the reader. Also, many economists would probably disagree with more than one too-quick conclusion. They would have no right, however, to scoff at M. Lepage’s book or dismiss it as amateurish. Had their own works been written in accessible prose, had their intellectual product been more sensitive to the needs of the common reader, economics would not be as misunderstood as it is today, and the number of affluent and notorious economic charlatans would be much smaller. The harm economists have done to the profession and to society as a whole by addressing themselves to their fellow economists rather than to the public at large, and by coating their arguments in a cryptic language, cannot be overstated. It is to be hoped that it can be mitigated by works such as this.